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SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 17 March 1999 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to enclose herewith an aide-mémoire on the report of the United Nations Group of Experts for Cambodia of 18 February 1999, issued by the Royal Government of Cambodia on 12 March 1999 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 110, and of the Security Council.

(Signed) OUCH Borith
Ambassador
Permanent Representative

Annex

Aide-mémoire on the report of the United Nations Group of Experts for Cambodia of 18 February 1999, issued by the Government of Cambodia on 12 March 1999

- In spite of its infamous record of the most serious human rights violation, Democratic Kampuchea was allowed to occupy the Cambodian seat at the United Nations until the signing of the Paris Peace Accords for Cambodia in 1991.

- In the framework of the Paris Peace Accords, the Khmer Rouge was not only legitimized by the international community as one of the parties to the peace talks, but was also seated in the Supreme National Council (SNC) of Cambodia - the organ of the supreme power of Cambodia during the transition period.

- By refusing to take part in the 1993 election organized under the provisions of the Paris Peace Agreements, the Khmer Rouge made itself outlawed for boycotting the peace process and resuming the guerilla warfare.

- Hence the Paris Peace Accords have not brought a total peace and full national reconciliation to the country, as laid down in the Peace Accords.

- Even though the Khmer Rouge kept on waging war against the Royal Government of Cambodia, ***His Majesty the King*** **of Cambodia,** ***Samdech Preah Bat Norodom Sihanouk***, being desirous for peace and national reconciliation, graciously offered to preside over the further peace talks between the legitimate National Assembly and Royal Government of Cambodia on the one side, and the Group of Khmer Rouge leaders on the other, held in the Democratic People's Republic of Korea in May 1994.

- These peace talks continued through a working group until July 1994, when the Law on Outlawing the "Democratic Kampuchea" Group was adopted by the National Assembly.

- In June 1997, while the Khmer Rouge still continued its acts of war against the Royal Government of Cambodia, and thereby causing insecurity in many parts of the country, the two Prime Ministers of the Kingdom of Cambodia requested the assistance of the United Nations to bring the Khmer Rouge leaders to justice.

- Nevertheless, the aforesaid request of the two Prime Ministers has not obtained any concrete response from the United Nations until the second half of November 1998. Only when process of gradual disintegration and capitulation of the Khmer Rouge leaders and the rank and file virtually reached its conclusion, then the 3 UN Experts arrived in Cambodia on a mission.

- Very soon after that, the defection on 25 November 1998, of the two former top leaders of the Khmer Rouge, namely **Khieu Samphan** and **Nuon Chea** to the Royal Government of Cambodia, culminated in the total collapse of the Khmer Rouge movement militarily and politically.

- The Royal Government of Cambodia has, therefore achieved what UNTAC and Paris Peace Accords failed.

- With the end of the Khmer Rouge as a military and political movement, the Royal Government of Cambodia is committed to focus all its attention and resources on implementing effectively and efficiently the political platform of the government for promoting the protection and respect for human rights and democratic process, as well as for economic and social development for the benefit of the people.

- So, peace and stability and national reconciliation are ***sine qua non*** conditions for economic development and poverty alleviation for the Cambodian people, who already suffered so much for more than two decades.

- The most recent arrest of **Ta Mok** - the cold-blooded butcher of the Khmer Rouge - by the Royal Cambodian Armed Forces signifies the doomsday of the last remnant of the Khmer Rouge hardliners.

- While **Khieu Samphan** and **Noun Chea** have surrendered themselves to the Royal Government of Cambodia, **Ta Mok** as a top Khmer Rouge hardliner, remains the most vicious murderer and has committed countless, most serious crimes until the very day he was captured by the Royal Cambodian Armed Forces.

- Thus, the national judiciary system will undertake the investigation, prosecution and trial of **Ta Mok**, the culprit, under the Cambodian law in force. The process will ensure the standards of judicial fairness and effectiveness.

- Article 33 of the Constitution of the Kingdom of Cambodia prohibits the Royal Government of Cambodia to arrest and extradite Cambodian nationals to any foreign country. It stipulates that: "Cambodian nationals shall not be

deprived of their Cambodian nationality, exiled or arrested and extradited to any foreign country unless there is a mutual agreement."

- Moreover, the culprit is a Cambodian national, the victims are Cambodians, the place of the commission of the crimes is also in Cambodia; therefore the trial by a Cambodian court is fully in conformity with the legal process.